Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

# Message Text

LIMITED OFFICIAL USE

PAGE 01 OTTAWA 04494 142248Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
/066 W
----------031526 150003Z /13
P 142245Z SEP 78
FM AMEMBASSY OTTAWA
TO SECSTATE WASHDC PRIORITY 8644
ALL CANADIAN POSTS POUCH

LIMITED OFFICIAL USE OTTAWA 04494

E.O. 11652: N/A
TAGS: PINT, PGOV, CA
SUBJECT: CANADIAN GOVERNMENT AGREES TO COURT TEST OF UNILATERAL CHANGES IN SENATE

REF: OTTAWA 3966, 3714

1. CANADIAN GOVERNMENT HAS AGREED TO SEEK SUPREME COURT ADVISORY OPINION ON CONSTITUTIONALITY OF OTTAWA'S CLAIMED POWER TO ACT UNILATERALLY TO RESTRUCTURE SENATE WITHOUT PROVINCIAL AGREEMENT IN CONTEXT OF PRIME MINISTER'S DRAFT CONSTITUTIONAL REFORM BILL. DECISION WAS ANNOUNCED SEPTEMBER 13 BY JUSTICE MINISTER OTTO LANG.

2. REQUEST FOR SUPREME COURT OPINION FOLLOWS UNANIMOUS REJECTION BY PROVINCIAL PREMIERS OF TRUDEAU'S APPROACH TO CONSTITUTIONAL REFORM (OTTAWA 3985) AND MONTH OF HEARINGS BY JOINT SENATE-HOUSE COMMITTEE ON CONSTITUTION, WHICH HAD HEARD CONSTITUTIONAL EXPERTS CHALLENGE THE GOVERNMENT'S POWER TO PROCEED UNILATERALLY. ON SEPTEMBER 6 LIBERAL SENATORS JOINED WITH CONSERVATIVE COMMITTEE MEMBERS TO PASS MOTION CALLING FOR SUPREME
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 OTTAWA 04494 142248Z

COURT OPINION ON UNILATERAL FEDERAL CHANGES IN SENATE AND STATUS OF MONARCHY. IN SEPTEMBER 14 PRESS CONFERENCE, PRIME MINISTER TRUDEAU ARGUED THAT CONSTITUTIONAL PROPOSALS ARE NOT INTENDED TO CHANGE STATUS OF MONARCHY BUT TO CODIFY PRESENT PRACTICE; GOVERNMENT WAS THUS AGREEING TO REFER LEGALITY OF UNILATERAL SENATE CHANGES TO COURT, BUT NOT MONARCHY QUESTION.

Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

3. COMMENT: PRESS IS CALLING GOVERNMENT AGREEMENT TO ACCEPT SUPREME COURT TEST AN ABRUPT ABOUT-FACE UNDER PRESSURE, AND DECISION TO CONSULT COURT ON AT LEAST SENATE CHANGES DOES REPRESENT SOME ADMISSION OF DOUBT THAT HAS GROWN UP IN PUBLIC MIND OVER GOVERNMENT'S ANNOUNCED STRATEGY FOR CONSTITUTIONAL REFORM. PC MEMBERS OF CONSTITUTIONAL COMMITTEE HAVE EXPRESSED DELIGHT WITH "PARTIAL VICTORY" AND, IN PRIVATE, HAVE BEEN GLOATING OVER SUCCESSFULLY "PACKING" CONSTITUTIONAL COMMITTEE. ON OTHER HAND, LIBERALS ON COMMITTEE TELL US GOVERNMENT IS ABSOLUTELY CERTAIN OF VALIDITY OF ITS INTERPRETATION, AND TRUDEAU VOICED CONFIDENCE THAT GOVERNMENT COULD WIN CASE. HE REMARKED THAT THERE WAS "NOTHING TO BE LOST" IN SEEKING COURT OPINION ON THIS LIMITED QUESTION.
ENDERS

LIMITED OFFICIAL USE

NNN

Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

# Message Attributes

**Automatic Decaptioning:** X
**Capture Date:** 01 jan 1994
**Channel Indicators:** n/a
**Current Classification:** UNCLASSIFIED
**Concepts:** COURTS, CONSTITUTIONAL AMENDMENTS, CENTRAL GOVERNMENT
**Control Number:** n/a
**Copy:** SINGLE
**Draft Date:** 14 sep 1978
**Decaption Date:** 01 jan 1960
**Decaption Note:**
**Disposition Action:** RELEASED
**Disposition Approved on Date:**
**Disposition Case Number:** n/a
**Disposition Comment:** 25 YEAR REVIEW
**Disposition Date:** 20 Mar 2014
**Disposition Event:**
**Disposition History:** n/a
**Disposition Reason:**
**Disposition Remarks:**
**Document Number:** 1978OTTAWA04494
**Document Source:** CORE
**Document Unique ID:** 00
**Drafter:** n/a
**Enclosure:** n/a
**Executive Order:** N/A
**Errors:** N/A
**Expiration:**
**Film Number:** D780374-1226
**Format:** TEL
**From:** OTTAWA
**Handling Restrictions:** n/a
**Image Path:**
**ISecure:** 1
**Legacy Key:** link1978/newtext/t19780966/aaaaccse.tel
**Line Count:** 78
**Litigation Code IDs:**
**Litigation Codes:**
**Litigation History:**
**Locator:** TEXT ON-LINE, ON MICROFILM
**Message ID:** 4d112250-c288-dd11-92da-001cc4696bcc
**Office:** ACTION EUR
**Original Classification:** LIMITED OFFICIAL USE
**Original Handling Restrictions:** n/a
**Original Previous Classification:** n/a
**Original Previous Handling Restrictions:** n/a
**Page Count:** 2
**Previous Channel Indicators:** n/a
**Previous Classification:** LIMITED OFFICIAL USE
**Previous Handling Restrictions:** n/a
**Reference:** 78 OTTAWA 3966
**Retention:** 0
**Review Action:** RELEASED, APPROVED
**Review Content Flags:**
**Review Date:** 05 may 2005
**Review Event:**
**Review Exemptions:** n/a
**Review Media Identifier:**
**Review Release Date:** N/A
**Review Release Event:** n/a
**Review Transfer Date:**
**Review Withdrawn Fields:** n/a
**SAS ID:** 1433411
**Secure:** OPEN
**Status:** NATIVE
**Subject:** CANADIAN GOVERNMENT AGREES TO COURT TEST OF UNILATERAL CHANGES IN SENATE
**TAGS:** PINT, PGOV, CA
**To:** STATE
**Type:** TE
**vdkvgwkey:** odbc://SAS/SAS.dbo.SAS_Docs/4d112250-c288-dd11-92da-001cc4696bcc
**Review Markings:**
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014